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In re Application of	:	
LINDAHL, et al.	:	DECISION ON
Application No.: 09/700,177	:	
PCT No.: PCT/SE99/00824	:	PETITIONS UNDER
Int. Filing Date: 12 May 1999	:	
Priority Date: 14 May 1998	:	37 CFR 1.181 AND
Attorney Docket No.: 003300-696	:	
For: BIOLOGICALLY ACTIVE COMPOSITION	:	37 CFR 1.182

This decision is in response to applicants' papers filed 04 April 2001 which are being treated as a petition under 37 CFR 1.181 and "PETITION UNDER 37 C.F.R. §1.182" filed 08 May 2001.

BACKGROUND

On 12 May 1999, applicant filed international application PCT/SE99/00824, which claimed priority of an earlier application filed 14 May 1998. A Demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 14 November 2000.

On 13 November 2000, applicant filed a Transmittal Letter for entry into the national stage in the United States, which was accompanied by, inter alia: the basic national fee; a copy of the international application as filed; an unexecuted combined declaration and power of attorney and an information disclosure statement.

On 08 December 2000, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) and Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) indicating that the declaration was not executed in accordance with 37 CFR 1.66 or 37 CFR 1.68 and that applicant needed to pay the \$130.00 surcharge for providing an compliant oath or declaration within thirty months of the priority date. The notification set a one-month time limit to respond.

On 29 January 2001, applicant filed a transmittal letter accompanied by a check for \$240.00 (\$130.00 for payment of the surcharge and \$110.00 for one-month extension of time fee).

On 04 April 2001, applicant filed copies of the papers filed 29 January 2001 along with stamped postcard receipts showing a receipt date of 29 January 2001.

On 09 April 2001, applicant was mailed a "Notification of a Defective Response" (Form PCT/DO/EO/916) and "Notification of a Defective Oath or Declaration" (Form PCT/DO/EO/917) notifying applicant that the name of inventor three, Catharina HEIMAN did not match that of the signature. The notification set a one-month time limit to respond.

On 08 May 2001, applicant filed the present petition under 37 CFR 1.182 to change the name of inventor three from Catharina HEIMAN to Catharina BENEDIKTSSON due to marriage. The petition was accompanied by a declaration signed by Catharina BENEDIKTSSON using both her former name and present name. The \$130 petition fee has been submitted.

DISCUSSION

I. Petition under 37 CFR 1.181

A review of the application file does not show receipt of a declaration filed on 29 January 2001. However, the evidence filed on 04 April 2001, namely the date stamped postcard receipt, is convincing that the copy of the declaration accompanying the 04 April 2001 submission was originally filed on 29 January 2001 as was the formal drawing. It is noted, however, that the Information Disclosure Statement, documents relating thereto and PTO-1449 are not of record.

II. Petition under 37 CFR 1.182

The Manual of Patent Examining Procedure at § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include the appropriate petition fee and an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or certified copy of the court order.

The papers have been reviewed and the papers are accepted.

The declaration submitted on 29 January 2001 and executed by Ake Lindahl, Hakan Hagslatt, Catharina Benediktsson and Richard Bryland is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.182 to change the inventor's name from Catharina HEIMAN to Catharina BENEDIKTSSON is **GRANTED**.

The application has an international filing date of 12 May 1999 under 35 U.S.C. 363 and a date of **29 January 2001** under 35 U.S.C. 371(c).

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This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.



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